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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/923,617	08/06/2001	Frank J. Gangi	1355-0001C2	1740
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BRACEWELL & GIULIANI LLP			COLBERT, ELLA	
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DATE MAILED: 12/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/923,617	Applicant(s) GANGI, FRANK J.	
	Examiner Ella Colbert	Art Unit 3694	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 39-59 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 39-59 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 39-59 are pending. Claims 39, 49, 52, and 58 have been amended in this communication filed 10/2/06 entered as Response After Non-Final Action and Affidavit(s) (Rule 131 or 132) or Exhibit(s).
2. The Objection to the Specification has been overcome by Applicant's Amendment to the Specification and is hereby withdrawn.
3. The Objection to Applicant's oath/declaration has been overcome by Applicant's submission of a new oath/declaration and is hereby withdrawn.
4. The objection to Applicant's abstract has been overcome by Applicant's amendment to the abstract and is hereby withdrawn.

Claim Objections

5. Claim 55 is objected to because of the following informalities: Claim 55 in line 5 recites "dumb terminal, point of sale terminal, a card-processing terminal, a paint-of-service terminal, a". This line should recite "dumb terminal, point of sale terminal, a card-processing terminal, a point-of-service terminal, a". Appropriate correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

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only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 39-59 are rejected under 35 U.S.C. 102(e) as being anticipated by

Gutman et al, hereafter Gutman.

Claim 39. Gutman discloses, A wallet consolidator, comprising:

a controller for controlling operation of the wallet consolidator (see abstract line 7); at least one input device connected to said controller of the wallet consolidator for receiving a copy of information stored on at least one card (col. 4, lines 55-66); a memory device connected to said controller for storing said information received by said input device (see abstract lines 7-10); and an output device connected to said controller for transmitting at least a portion of said information stored in said memory device to a transaction device for processing a transaction effectuated pursuant to said at least a portion of said information (col. 5, lines 25-36-printer is an output device).

Claim 40. Gutman discloses, The wallet consolidator of Claim 39, wherein said information comprises information pertaining to at least one of the following: one or more credit cards, one or more debit cards, one or more identification cards, one or more electronic coupons, and one or more food stamp balances (col. 5, line 44-col. 6, line 20).

Claim 41. Gutman discloses, The wallet consolidator of Claim 39, wherein said controller is selected from the group of a wireline communication device and a wireless communication device (col. 4, lines 36-54).

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Claim 42. Gutman discloses, The wallet consolidator of Claim 39, wherein said input device comprises at least one of the following: a magnetic card stripe reader, a barcode reader, a keypad, a touch screen, a smart card reader, a kiosk, a memory card, a telephony interface, a wireless interface, a wireline communications interface, a wireless communications interface, an infrared (IR) interface, and a radio frequency (RF) interface (col. 5, lines 1-24 and lines 44-65).

Claim 43. Gutman discloses, The wallet consolidator of Claim 39, wherein said controller controls instructions to instruct a user on use of the wallet consolidator (col. 7, lines 6-40).

Claim 44. Gutman discloses, The wallet consolidator of Claim 39, wherein said output device comprises at least one of the following: a data interface, a telephony interface, a wireless interface, a wireline communications interface, a wireless communications interface, a radio frequency (RF) interface, an infrared (IR) interface, and a display configured for displaying scanable bar codes (co. 4, lines 44-54).

Claim 45. Gutman discloses, The wallet consolidator of Claim 39, wherein said transaction device comprises at least one of a computing device, a dumb terminal, point of sale terminal, a card-processing terminal, a point-of-service terminal, a transaction terminal, and a database configured for receiving information from said output device (col. 11, lines 9-50).

Claim 46. Gutman discloses, The wallet consolidator of Claim 39, wherein: said information comprises information pertaining to at least one of one or more credit

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cards, one or more debit cards, one or more identification cards, one or more electronic coupons, and one or more food stamp balances (col. 4, lines 44-54); said controller is selected from the group of a computing device, a wireline communication device, and a wireless communication device (col. 8, lines 43-64); said input device comprises at least one of a magnetic card stripe reader, a bar code reader, a keypad, a touch screen, a smart card reader, a kiosk, a memory card, a telephony interface, a wireless interface, a wireline communications interface, a wireless communications interface, an infrared (IR) interface, and a radio frequency (RF) interface (col. 4, lines 48-52 and col. 5, lines 1-24); said output device comprises at least one of a data interface, a telephony interface, a wireless interface, a wireline communications interface, a wireless communications interface, a radio frequency (RF) interface, an infrared (JR) interface, and a display configured for displaying scannable bar codes; and said transaction device comprises at least one of a computing device, a dumb terminal, point of sale terminal, a card-processing terminal, a point-of-service terminal, a transaction terminal, and a database configured for receiving information from said output device (col. 11, lines 9-50).

Claim 47. Gutman discloses, The wallet consolidator of Claim 39, further comprising at least one of the following: a keypad, a touch screen, and a user input cluster connected to said controller for receiving input for controlling said output device (col. 4, lines 55-68).

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Claim 48. Gutman discloses, The wallet consolidator of Claim 39, further comprising a writer connected to said controller for writing said at least a portion of said information to a personalized transaction card (col. 5, line 66-col. 6, line 20).

Claim 49. Gutman discloses, A method for processing a transaction using a wallet consolidator, the method comprising the steps of:

receiving information stored on at least one of a plurality of cards (col. 6, lines 10-20); storing said received information in a memory device (col. 6, lines 60-64); and transmitting at least a portion of said stored information to a transaction device for processing a transaction effectuated pursuant to said at least a portion of said information (col. 7, lines 3-40).

Claim 50. Gutman discloses, The method of Claim 49, wherein said information comprises information pertaining to at least one of the following: one or more credit cards, one or more debit cards, one or more identification cards, one or more electronic coupons, and one or more food stamp balances (col. 5, line 44-col. 6, line 20); and wherein the method further comprises the steps of: providing a user an option to select a card to add or delete, duplicate information, transfer data, move cash, or accessing information including at least one of the following: an electronic coupon, identification information, and a medical record, and traversing an action tree which instructs the user on the use of the wallet consolidator responsive to the selected option (col. 5, lines 25-65 and col. 7, lines 6-40).

Claim 51. Gutman discloses, The method of Claim 49, wherein the step of receiving is performed via an input device comprising at least one of the following: a magnetic card stripe reader, a bar code reader, a keypad, a touch screen, a smart card reader, a kiosk, a memory card, a telephony interface, a wireless interface, a communications interface, a wireless communications interface, an infrared (IR) interface, and a radio frequency (RF) interface (col. 5, lines 1-24 and lines 44-65); and wherein the method further comprises the step of receiving a passcode from a user prior to allowing the user to gain access to the wallet consolidator (col. 7, lines 13-40 and lines 54-68).

Claim 52. Gutman discloses, The method of Claim 49, wherein the memory device comprises at least one of the following: semiconductor memory, a smart card, a memory card, random access memory (RAM), magnetic memory, hard disks, magnetic tapes, an optical memory device, and an optical disc (col. 6, lines 55-64).

Claim 53. Gutman discloses, The method of Claim 49, wherein the step of transmitting is performed via an output device comprising at least one of the following: a data interface, a telephony interface, a wireless interface, a wireline communications interface, a wireless communications interface, a radio frequency (RF) interface, an infrared (IR) interface, and a display configured for displaying scanable bar codes (col. 4, lines 44-54).

Claim 54. Gutman discloses, The method of Claim 49, wherein said transaction device comprises at least one of the following: a computing device, a dumb terminal, point of sale terminal, a card-processing terminal, a point-of-service

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terminal, a transaction terminal, a remote transaction server, an application node and a database (col. 11, lines 9-50); and wherein the received information includes a digitized image of the at least one of a plurality of cards (col. 4, lines 55-60 – display 108 for displaying information to a user).

Claim 55. Gutman discloses, The method of Claim 49, wherein said information comprises information pertaining to at least one of the following: one or more credit cards, one or more debit cards, one or more identification cards, one or more electronic coupons, and one or more food stamp balances (col. 5, line 44-col. 6, line 20); said transaction device comprises at least one of a computing device, a dumb terminal, point of sale terminal, a card-processing terminal, a point-of-service terminal, a transaction terminal, a remote transaction server, an application node, and a database (col. 5, lines 1-24 and lines 44-65); and wherein:

the step of receiving is performed via an input device connected to a controller, the input device comprising at least one of the following: a magnetic card stripe reader, a bar code reader, a keypad, a touch screen, a smart card reader, a kiosk, a memory card, a telephony interface, a wireless interface, a wireline communications interface, a wireless communications interface, an infrared (IR) interface, and a radio frequency (RF) interface (col. 6, lines 55-64); the step of storing is performed via a memory device connected to said controller, the memory device comprising at least one of the following: a semiconductor memory, a smart card, a memory card, random access memory (RAM), magnetic memory, hard disks, magnetic tapes, an optical memory device, and an optical disc (col. 4, lines 44-54); the step of transmitting

is performed via an output device connected to said controller, the output device comprising at least one of the following: a data interface, a telephony interface, a wireless interface, a wireline communications interface, a wireless communications interface, a radio frequency (RF) interface, an infrared (IR) interface, and a display configured for displaying scanable bar codes; and said controller is configured for controlling operation of the wallet consolidator, the controller comprising at least one of the following: a computing device, a laptop computer, a handheld computer, a personal digital assistant (PDA), a wireline communication device, a wireless communication device, and a cell phone (col. 6, lines 41-54).

Claim 56. Gutman discloses, The method of Claim 49, further comprising at least one of the following: a keypad, a touch screen, and a user input cluster connected to said output device and configured for receiving input for controlling said output device (col. 5, lines 1-24 and lines 44-65).

Claim 57. Gutman discloses, The method of Claim 49, further comprising a writer connected to the memory device for writing said at least a portion of said information to a personalized transaction card (col. 5, line 66-col. 6, line 20).

Claim 58. This claim is rejected for the similar rationale as given above for claim 39.

Claim 59. Gutman discloses, A wallet consolidator of Claim 58, wherein the at least one card is a smart card having a magnetic strip, and wherein the smart card includes a magnetic strip adapted to receive a portion of the information stored in the memory device (col. 5, lines 44-65).

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Comment: Applicant is respectfully reminded that when "at least one of following" is recited it means the reference only has to show one of the elements and not all of the elements listed.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Taylor (US 5,578,808) disclosed a data card that is preferably a smart card for recording data relating to a card user.

Carlisle et al (5,649,118) disclosed a smart card.

Inquiries

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 571-272-6741. The examiner can normally be reached on Monday, Tuesday, and Thursday, 5:30AM-3:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

December 9, 2006


ELLA COLBERT
PRIMARY EXAMINER